

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FRANK N. SIGNORIELLO, JR.

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Plaintiff

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vs.

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CIVIL ACTION NO. MJG-11-3077

MOTIVA COMPANY, et al.

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Defendants

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MEMORANDUM AND ORDER RE: SURREPLY

The Court has before it Plaintiff's Motion for Leave to File Surreply [Document 71] and the Response in Opposition filed by Defendants [Document 72]. No hearing is necessary.

Defendants did not, as stated by Plaintiff, refer to the Supreme Court decision in University of Texas Southwestern Medical Center v. Nassar, 133 S. Ct. 2517 (2013), for the first time in their Reply Brief in Support of Motion for Summary Judgment [Document 68]. Rather, the Nassar decision was relied upon in the Memorandum of Law in Support of Defendants' Motion for Summary Judgment [Document 63-1] at 2, 19, 28. Plaintiff had a full opportunity to address the Nassar decision in his Response in opposition to summary judgment. There is no justification for the filing of a Surreply.

Accordingly:

1. Plaintiff's Motion for Leave to File Surreply [Document 71] is DENIED.
2. The proffered Surreply [Document 71-1] is not accepted and shall not be considered.

SO ORDERED, this Monday, September 23, 2013.

/s/

Marvin J. Garbis

United States District Judge